

JUL 12 1993

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Application of ) MM DOCKET NO. 93-152  
MOENKOPI COMMUNICATIONS, INC. ) File No. BR-900703YA  
For Renewal of License of )  
Station KCMY, Moab, Utah )

To: Chief Administrative Law Judge  
Joseph Stirmer

**MASS MEDIA BUREAU'S MOTION TO DISMISS**

1. The Mass Media Bureau moves to dismiss the renewal application of Moenkopi Communications, Inc. ("Moenkopi"). In support, the Bureau submits the following.

2. By Hearing Designation Order, FCC 93-273, released June 10, 1993 ("HDO"), the Commission designated the above-captioned application for hearing. The HDO at para. 7, pursuant to Section 1.221(c) of the Commission's Rules, ordered Moenkopi to file a written notice of appearance. The notice was to be filed within 20 days of the mailing of the HDO.

3. The Commission's records reveal that the HDO was mailed on June 16, 1993. Thus, Moenkopi should have filed its notice of appearance by July 6, 1993. However, there is no record of any such filing, and Bureau counsel has not received a service copy of a notice of appearance. Rather, by letter dated June 22, 1992, [sic] and mailed to the Bureau's AM Branch, Moenkopi states: "It is the desire of the owner to return the license to the public domain." (underline in original - see Attachment A)

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4. Section 1.221(e) of the Commission's Rules states that, absent a showing of good cause for failing to file its notice of appearance, a party that fails to timely file such notice shall forfeit its hearing rights. Further, Section 73.3568 of the Commission's Rules states that failure to prosecute an application will be cause for dismissal. When an application has been designated for hearing, such dismissal may be made with prejudice.

5. In view of Moenkopi's apparent failure to file a written notice of appearance and its stated desire to turn in its license, the Presiding Judge should, pursuant to Section 73.3568 of the Commission's Rules, issue an order dismissing Moenkopi's

renewal application with prejudice, direct that the station's  
call letters be deleted and terminate this proceeding.

Respectfully submitted,  
Roy J. Stewart  
Chief, Mass Media Bureau

  
Charles E. Dziedzic  
Chief, Hearing Branch

  
James W. Shook  
Attorney  
Mass Media Bureau

Federal Communications Commission  
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Washington, D.C. 20554  
(202) 632-6402

July 12, 1993

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Rm 302

ATTACHMENT A

June 22, 1992

FEDERAL COMMUNICATIONS COMMISSION

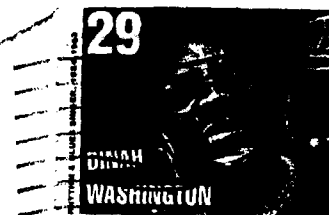
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Federal Communications Commission  
AM Branch  
Room 342  
Washington, DC 20554

JUN 24 1993

RE: MM Docket No. 93-152

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CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, hereby certifies that she has on this 12th day of July, 1993, sent by First Class mail, U.S. Government frank, a copy of the foregoing "Mass Media Bureau's Motion to Dismiss" to:

Michael A. Youngren, President  
Moenkopi Communications, Inc.  
380 Kensington Avenue  
Salt Lake City, Utah 84115